



General Assembly

***Substitute Bill No. 5552***

*February Session, 2012*

\*       HB05552JUD             040212       \*

***AN ACT CONCERNING THE PENALTIES FOR FAILURE TO REPORT  
CHILD ABUSE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 53-21 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2012*):

3       (a) Any person who (1) wilfully or unlawfully causes or permits any  
4       child under the age of sixteen years to be placed in such a situation  
5       that the life or limb of such child is endangered, the health of such  
6       child is likely to be injured or the morals of such child are likely to be  
7       impaired, or does any act likely to impair the health or morals of any  
8       such child, or (2) has contact with the intimate parts, as defined in  
9       section 53a-65, of a child under the age of sixteen years or subjects a  
10      child under sixteen years of age to contact with the intimate parts of  
11      such person, in a sexual and indecent manner likely to impair the  
12      health or morals of such child, or (3) intentionally and unreasonably  
13      interferes with or prevents the making of a report of suspected child  
14      abuse or neglect required under section 17a-101a, as amended by this  
15      act, or (4) permanently transfers the legal or physical custody of a child  
16      under the age of sixteen years to another person for money or other  
17      valuable consideration or acquires or receives the legal or physical  
18      custody of a child under the age of sixteen years from another person  
19      upon payment of money or other valuable consideration to such other

20 person or a third person, except in connection with an adoption  
21 proceeding that complies with the provisions of chapter 803, shall be  
22 guilty of a class C felony for a violation of subdivision (1) or [(3)] (4) of  
23 this subsection, a class D felony for a violation of subdivision (3) of this  
24 subsection and a class B felony for a violation of subdivision (2) of this  
25 subsection, except that, if the violation is of subdivision (2) of this  
26 subsection and the victim of the offense is under thirteen years of age,  
27 such person shall be sentenced to a term of imprisonment of which  
28 five years of the sentence imposed may not be suspended or reduced  
29 by the court.

30 (b) The act of a parent or agent leaving an infant thirty days or  
31 younger with a designated employee pursuant to section 17a-58 shall  
32 not constitute a violation of this section.

33 Sec. 2. Section 17a-101a of the 2012 supplement to the general  
34 statutes is repealed and the following is substituted in lieu thereof  
35 (*Effective October 1, 2012*):

36 Any mandated reporter, as defined in section 17a-101, who in the  
37 ordinary course of such person's employment or profession has  
38 reasonable cause to suspect or believe that any child under the age of  
39 eighteen years (1) has been abused or neglected, as defined in section  
40 46b-120, (2) has had nonaccidental physical injury, or injury which is at  
41 variance with the history given of such injury, inflicted upon such  
42 child, or (3) is placed at imminent risk of serious harm, shall report or  
43 cause a report to be made in accordance with the provisions of sections  
44 17a-101b to 17a-101d, inclusive. Any person required to report under  
45 the provisions of this section who fails to make such report or fails to  
46 make such report within the time period prescribed in sections 17a-  
47 101b to 17a-101d, inclusive, and section 17a-103 shall be [fined not less  
48 than five hundred dollars or more than two thousand five hundred  
49 dollars] guilty of a class A misdemeanor and shall be required to  
50 participate in an educational and training program pursuant to  
51 subsection (d) of section 17a-101. The Commissioner of Children and  
52 Families, or the commissioner's designee, shall promptly notify the

53 Chief State's Attorney when there is reason to believe that any such  
54 person has failed to make a report in accordance with this section.

55 Sec. 3. Subdivision (10) of section 46b-120 of the 2012 supplement to  
56 the general statutes, as amended by section 82 of public act 09-7 of the  
57 September special session, sections 9 and 10 of public act 11-71, section  
58 12 of public act 11-157 and section 3 of public act 11-240, is repealed  
59 and the following is substituted in lieu thereof (*Effective October 1,*  
60 *2012*):

61 (10) "Serious juvenile offense" means (A) the violation of, including  
62 attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34,  
63 29-35, subdivision (2) or [(3)] (4) of subsection (a) of section 53-21, as  
64 amended by this act, 53-80a, 53-202b, 53-202c, 53-390 to 53-392,  
65 inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-  
66 64aa, 53a-64bb, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to  
67 53a-94a, inclusive, 53a-95, 53a-100aa, 53a-101, 53a-102a, 53a-103a or  
68 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of  
69 section 53a-122, subdivision (3) of subsection (a) of section 53a-123,  
70 section 53a-134, 53a-135, 53a-136a or 53a-167c, subsection (a) of section  
71 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, or  
72 (B) running away, without just cause, from any secure placement other  
73 than home while referred as a delinquent child to the Court Support  
74 Services Division or committed as a delinquent child to the  
75 Commissioner of Children and Families for a serious juvenile offense;

76 Sec. 4. Subsection (a) of section 54-36p of the general statutes is  
77 repealed and the following is substituted in lieu thereof (*Effective*  
78 *October 1, 2012*):

79 (a) The following property shall be subject to forfeiture to the state  
80 pursuant to subsection (b) of this section:

81 (1) All moneys used, or intended for use, in a violation of  
82 subdivision [(3)] (4) of subsection (a) of section 53-21, as amended by  
83 this act, or section 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b, 53a-192a,  
84 53a-196a, 53a-196b or 53a-196c;

85 (2) All property constituting the proceeds obtained, directly or  
 86 indirectly, from a violation of subdivision [(3)] (4) of subsection (a) of  
 87 section 53-21, as amended by this act, or section 53a-86, 53a-87, 53a-  
 88 90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b or 53a-196c;

89 (3) All property derived from the proceeds obtained, directly or  
 90 indirectly, from any sale or exchange for pecuniary gain from a  
 91 violation of subdivision [(3)] (4) of subsection (a) of section 53-21, as  
 92 amended by this act, or section 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-  
 93 189b, 53a-192a, 53a-196a, 53a-196b or 53a-196c;

94 (4) All property used or intended for use, in any manner or part, to  
 95 commit or facilitate the commission of a violation for pecuniary gain of  
 96 subdivision [(3)] (4) of subsection (a) of section 53-21, as amended by  
 97 this act, or section 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b, 53a-192a,  
 98 53a-196a, 53a-196b or 53a-196c.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	53-21
Sec. 2	October 1, 2012	17a-101a
Sec. 3	October 1, 2012	46b-120(10)
Sec. 4	October 1, 2012	54-36p(a)

**Statement of Legislative Commissioners:**

Sections 3 and 4 have been added to the bill to make conforming technical changes which are consistent with the changes made in section 1 of the bill.

**JUD**      *Joint Favorable Subst.*